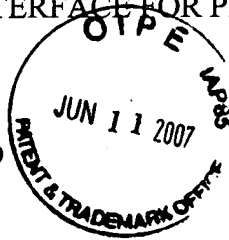# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: F. Devon Taylor et al.

Title: COMMUNICATION INTERFACE FOR PROVIDING ACCOUNTING SUPPORT FOR PRINT SERVICES

Docket No.:   1565.028US1   Serial No.: 09/390,954
Filed: September 7, 1999   Due Date: June 8, 2007
Examiner: Michael A. Cuff   Group Art Unit: 3627
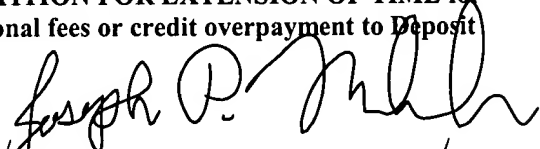
MS Appeal Brief - Patents
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Alexandria, VA 22313-1450

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Peter Rubbon i _____   _____
Name   Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	F. Devon Taylor et al.	Examiner: Michael Cuff
Serial No.:	09/390,954	Group Art Unit: 3627
Filed:	September 7, 1999	Docket: 1565.028US1
Title:	COMMUNICATION INTERFACE FOR PROVIDING ACCOUNTING SUPPORT FOR PRINT SERVICES	

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This responds to the Notice of Non-Compliant Appeal Brief mailed on May 8, 2007. In compliance with MPEP 1205.03(B) and 37 CFR 41.37(c)(1)(v), Appellants submit the following corrected section from Appellants' previously-submitted Appeal Brief filed March 19, 2007.

Appellants have redacted out the references to Wikopedia and Merriam Webster's Online Dictionary, since the Examiner asserts these are inadmissible as new evidence not introduced in prosecution. Appellants note that during prosecution these sources were recited and used and no objection was raised at that point in time by the Examiner; although used for support of other terms. Additionally, Appellants do not believe commonly used sources by those skilled in the art to define terms are classifiable as new evidence.

At any rate, to remove this rejection of the Appeal Brief, Appellants have removed these references to these sources and have rephrased the arguments. That is, it is Appellants' belief that certain terms are defined in a certain manner and understood to be the case by one of ordinary skill in the art. This is an opinion of the Appellants; it is not evidence as now phrased; and it is permissible for Appellants to conjecture an opinion by way of argumentation. Thus, the manner in which the Arguments' Section of the Appeal Brief has been replaced above is now fully compliant and is thus admissible as standard argumentation and opinion of the Appellants.

Appellants believe this fully addresses the Examiner's concerns and does not introduce any new evidence only opinion and argumentation. As such, Appellants believe the Appeal is now in condition for the Examiner's Answer to be produced.

Please replace the previously submitted **ARGUMENT** Section 7 with the below replacement.

7. ARGUMENT

A) The Applicable Law under 35 U.S.C. §102(b)

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P § 2131. To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter. *PPG Industries, Inc. V. Guardian Industries Corp.*, 75 F.3d 1558, 37 USPQ2d 1618 (Fed. Cir. 1996). The <u>identical invention must be shown in as complete detail</u> as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). *Emphasis Added.*

B) Discussion of the rejections of claims 1-17 under 35 U.S.C. § 102(b) as being anticipated by Bennett.

Claims 1-17 were rejected under 35 U.S.C. § 102(b) as being anticipation by Bennett. This rejection is respectfully traversed, Appellants respectfully submit that the Final Office Action has made an improper prima facie showing of anticipation at least because Bennett fails to teach client server limitations and a network limitations as recited in the rejected claims.

Independent claim 1 states the following limitations that are not taught and are not suggested in any manner in the Bennett reference: "print job is directly received by a printer agent from a print client, the printer agent and the account support services reside on a server within a network," "enables the accounting application to one of reject the print job, accept the print job and instruct the printer agent to place an accounting hold on the print job," and "the accounting support services are separate and apart from the printer agent and the printer agent is separate and apart from the printer."

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Independent claim 5 includes the following limitations that are not taught and are not suggested in any manner in the Bennett reference: "printer agent interacting with a printer on the network, and wherein the first and second device reside in a server within the network," "the print job is directed to the printer via the printer agent," and "the accounting support services are separate and apart from the printer agent and the printer agent is separate and apart from the printer, and wherein the print job is received from a print client over the network."

Independent claim 12 includes the following limitations that are not taught and are not suggested in any manner in the Bennett reference: "configuring an accounting application to run on the computer, which is a server in a client server network arrangement," "configuring a printer agent application to run on the computer, the printer agent interacting with a printer on the network," and the accounting support services are separate and apart from the printer agent and the printer agent is separate and apart from the printer, and wherein the print job originates from a print client over the network within the client server network arrangement."

Bennett has a file date of 1990. It is directed to a standalone print station. There is not a single reference in any form to the terms "network," "client," or even "server" in the Bennett reference. Thus, the only way in which the Examiner can sustain the rejections of record is if these terms and limitations are determined to be inherent within or suggested by Bennett.

Appellants are of the opinion that one of ordinary skill in the art would recognize that a computer "network" is two or more computers connected together via a telecommunication system for purposes of communicating and sharing resources or a system of computers, peripherals, terminals and databases connected by communication lines. The Board and the Examiner are independently invited to research and investigate this commonly understood definition of a network. Appellants are confident that such a definition is what is understood in the art and is common sense in the art.

Moreover, Appellants cannot find a single credible definition where "network" does not include at least "two computers" connected together using communication lines.

Appellants are also of the opinion that one of ordinary skill in the art would recognize that a "client" is a computer system that accesses a remote service of another computer by a network connection. Appellants also believe that a "server" would be recognized by one of ordinary skill in the art as a remote service that provides services to clients over a network. A

client uses services of a server and a server provides services to a client over a network. Again, the Board and the Examiner are independently invited to research and investigate these commonly understood definitions of client and server. Appellants are confident that such definitions are what is understood in the art and are common sense in the art.

Appellants cannot find a credible interpretation that does not defy common sense for client and server that comports with the Examiner's interpretation of the Appellants' claims. A peripheral is not a computer, which the Examiner appears to be suggesting. Appellants believe that every credible definition for a client or a server begins with "a computer . . . that . . .." Appellants are unaware of any source that defines a peripheral as a computer in a client-server architecture. The clients and the servers are computers, the fact that each may have peripherals and that each may supply their peripherals to the other is irrelevant because to have a client-server architecture one needs at least "two computers." This cannot be shown with any rationale interpretation of Bennett.

These definitions are consistent with how these terms are understood and used by those of ordinary skill in the art. Appellants respectfully assert that the Examiner has to contort these definitions away from their plain usage and common sense meaning to find any remote possibility that the Bennett reference includes a network let alone a client-server architecture. There is no such teaching at all in Bennett to support a client-server arrangement or even a network. The Examiner appears to suggest that local internal bus communications between a single device's components is a network; however, even if this is found to be the case (which Appellants believe it cannot since it directly contradicts with how network is used in the art and commonly understood by those of ordinary skill in the art) there is still no reasonable and rationale way in which Bennett can be said to teach a client-sever arrangement or architecture.

To follow the Examiner's proposed interpretation of "network," "client," and "server" would effectively make these standard used industry terms irrelevant such that any device is a client and server architecture having networked communications. This is not the case and Appellants assert it may in fact be irrational and a violation of the Administrator Procedure Act requiring some reasonable explanation for an administrative decision on the part of a governmental agency. Appellants respectfully assert that it is not reasonable and it is not

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rationale to assume a standalone print station of Bennett that has no network capabilities whatsoever is in fact network enabled and a client-server architecture.

Additionally, even if by some chance the Board disagrees with the Appellants there is still not teaching whatsoever in Bennett where a printer agent is separate and apart from a printer. Therefore, notwithstanding how these terms are ultimately adjudicated by the Board, the Bennett reference still teaches a single device called a print station that does not have a separate print or printer agent and that does not provide a server to house the agent apart from the printer. Thus, if the Board would rather not address specifically the meaning of the terms network, client, and server, Appellants assert that the Board does not have to and can dispose of this matter simply because the Bennett reference lacks any teaching where a print agent is separate and apart from a printer. The print agent if present at all in Bennett is in fact integrated with and part of the printer.

In fact, Appellants would like to go so far as to suggest that the Bennett reference is entirely irrelevant to what Appellants have taught. Bennett is a single monolithic and standalone non networked print station developed with the art in 1990, if not sooner. Appellants have taught a distributed client-server printing accounting mechanism separate and apart from a network printer. The two are in fact opposites of one another and teach completely away from one another.

Thus, Bennett fails to teach each and every element of independent claims 1, 5, and 12; consequently, Appellants respectfully request reversal of the § 102(b) rejections.

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CONCLUSION

In accordance with MPEP 1205.03(B) and 37 CFR 41.37(c)(1)(v), only the non-compliant section of Appellants' previously-submitted Appeal Brief has been included in this response.

Appellants respectfully submit that the Examiner withdraw the non-compliant status and examine the Appeal Brief.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.
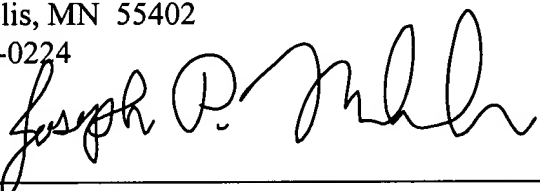
Respectfully submitted,

F. DEVON TAYLOR ET AL.

By their Representatives,

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Date   __June 7, 2007__   By /_____/
                            Joseph P Mehrle
                            Reg. No. 45,535

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